ENGROSSED
SENATE BILL No. 193

DIGEST OF SB 193 (Updated February 25, 2002 6:19 PM - DI 87)

Citations Affected: IC 36-4.

Synopsis: Annexation of agricultural land. Adds Danville, Brownsburg, Fortville, McCordsville, and Cumberland to the municipalities that may exempt agricultural land from municipal property tax liability when the land is annexed and until the land is rezoned. Requires territory annexed by Avon, Plainfield, Danville, and Brownsburg to be contained within one township. Provides that agricultural land that is annexed under these provisions is not considered a part of the municipality for the purposes of annexing additional territory. Updates population parameters to reflect changes in the 2000 decennial census.

Effective: July 1, 2002.

Gard, Miller

(HOUSE SPONSORS — GRUBB, CHERRY, MURPHY)

January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.
January 17, 2002, amended, reported favorably — Do Pass.
January 22, 2002, read second time, ordered engrossed.
January 23, 2002, engrossed.
January 24, 2002, read third time, passed. Yeas 47, nays 1.
HOUSE ACTION
February 5, 2002, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 21, 2002, amended, reported — Do Pass.
February 25, 2002, read second time, amended, ordered engrossed.

ES 193—LS 6439/DI 87+

ENGROSSED
SENATE BILL No. 193

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

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1      SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.224-2001,
2   SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3   JULY 1, 2002]: Sec. 4.1. (a) This section applies to the following:
4         (1) A municipality having a population of:
5            (A) more than ten thousand (10,000) but less than fifteen
6            thousand (15,000); or
7            (B) more than four thousand (4,000) but less than four
8            thousand two hundred fifty (4,250); five thousand (5,000) but
9            less than six thousand three hundred (6,300);
10           (C) more than ten thousand (10,000) but less than fifteen
11           thousand (15,000); or
12           (D) more than six thousand three hundred (6,300) but less
13           than ten thousand (10,000);
14        located in a county having a population of more than seventy-five
15        thousand (75,000) but less than seventy-eight thousand (78,000)
16        one hundred thousand (100,000) but less than one hundred
17        five thousand (105,000).
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1   (2) A municipality having a population of more than ~~thirty-three~~
2   ~~thousand (33,000) but less than thirty-three thousand eight~~
3   ~~hundred fifty (33,850)~~ **thirty-two thousand eight hundred**
4   **(32,800) but less than thirty-three thousand (33,000)** located in
5   a county having a population of more than ~~one hundred seven~~
6   ~~thousand (107,000) but less than one hundred eight thousand~~
7   ~~(108,000).~~ **one hundred ten thousand (110,000) but less than**
8   **one hundred fifteen thousand (115,000).**
9   (3) A municipality that is located in a county having a population
10   of more than four hundred thousand (400,000) but less than seven
11   hundred thousand (700,000).
12   (4) A town having a population of more than ~~five thousand~~
13   ~~(5,000) but less than six thousand (6,000)~~ **nine thousand (9,000)**
14   **but less than thirty thousand (30,000)** located in a county
15   having a population of more than ~~one hundred eight thousand~~
16   ~~(108,000) but less than one hundred eight thousand nine hundred~~
17   ~~fifty (108,950).~~ **one hundred eighty thousand (180,000) but less**
18   **than one hundred eighty-two thousand seven hundred ninety**
19   **(182,790).**
20   **(5) A municipality having a population of:**
21   **(A) more than three thousand (3,000); or**
22   **(B) more than one thousand (1,000) but less than one**
23   **thousand two hundred (1,200);**
24   **located in a county with a population of more than fifty-five**
25   **thousand (55,000) but less than sixty-five thousand (65,000).**
26   **(6) A town having a population of more than five thousand**
27   **(5,000) but less than ten thousand (10,000), the majority of**
28   **which is located in a county containing a consolidated city.**
29   (b) Except as provided in subsection (c), the legislative body of a
30 municipality ~~to which this section applies~~ may, by ordinance, annex
31 territory that:
32   (1) is contiguous to the municipality;
33   (2) in the case of a municipality described in subsection (a)(1),
34   has its entire area within the township within which the
35   municipality is primarily located; and
36   (3) is owned by a property owner who consents to the annexation.
37   (c) Subsection (b)(2) does not apply to a municipality having a
38 population of:
39   (1) more than ~~six thousand (6,000) but less than six thousand five~~
40   ~~hundred (6,500)~~ **five thousand (5,000) but less than eight**
41   **thousand (8,000);** or
42   (2) more than ~~eight thousand seven hundred (8,700) but less than~~

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1   ~~eight thousand nine hundred (8,900)~~ **nine thousand (9,000) but**
2   **less than twelve thousand five hundred (12,500)** in a county
3   having a population of more than four hundred thousand
4   (400,000) but less than seven hundred thousand (700,000).

5   (d) Territory annexed under this section is exempt from all property
6   tax liability under IC 6-1.1 for municipal purposes for all portions of
7   the annexed territory that is classified for zoning purposes as
8   agriculture and remains exempt from the property tax liability while the
9   property's zoning classification remains agriculture.

10   (e) There may not be a change in the zoning classification of
11   territory annexed under this section without the consent of the owner
12   of the annexed territory.

13   **(f) Notwithstanding any other law, territory that is annexed**
14   **under this section is not considered a part of the municipality for**
15   **the purposes of annexing additional territory.**

4

COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 19 and 20, begin a new line block indented and insert:

"(6) A town having a population of more than five thousand (5,000) but less than ten thousand (10,000), the majority of which is located in a county containing a consolidated city.".

and when so amended that said bill do pass.

(Reference is to SB 193 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "(a) This section applies to the following:".

Page 1, strike line 4.

Page 1, line 5, strike "(A) more than".

Page 1, line 5, strike "fifteen".

Page 1, strike line 6.

Page 1, line 7, strike "(B) more than".

Page 1, line 8, delete "five thousand (5,000) but".

Page 1, delete line 9.

Page 1, line 10, strike "located in a county having a population of more than".

Page 1, delete lines 12 through 13.

Page 1, line 14, strike "(2) A municipality having a population of more than".

Page 1, line 16, delete "thirty-two thousand eight hundred".

Page 1, line 17, delete (32,800) but less than thirty-three thousand (33,000)".

Page 1, line 17, strike "located in".

Page 2, line 1, strike "a county having a population or more than".

Page 2, line 3, delete "one hundred ten thousand (110,000) but less than".

Page 2, delete line 4.

Page 2, strike lines 5 through 7.

Page 2, line 8, strike "(4) A town having a population of more than".

Page 2, line 9, delete "nine thousand (9,000)".

Page 2, line 10, delete "but less than thirty thousand (30,000)".

Page 2, line 10, strike "located in a county".

Page 2, line 11, strike "having a population of more than".

Page 2, line 13, delete one hundred eighty thousand (180,000) but less".

Page 2, delete lines 14 through 22.

Page 2, line 23, strike "(b)" and insert "**(a)**".

Page 2, line 23, strike "(c)," and insert "**(b),**".

Page 2, line 26, after "municipality;" insert "**and**".

Page 2, strike lines 27 through 29.

Page 2, line 30, strike "(3)" and insert "**(2)**".

Page 2, between lines 30 and 31, begin a new paragraph and insert:

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"(b) This subsection applies to a municipality having a population of more than:
    (1) fifteen thousand (15,000);
    (2) five thousand (5,000) but less than six thousand three hundred (6,300);
    (3) ten thousand (10,000) but less than fifteen thousand (15,000); or
    (4) six thousand three hundred (6,300) but less than ten thousand (10,000);
located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000). In addition to fulfilling the requirements set forth in subsection (a), the territory that the municipality proposes to annex must have its entire area within the township within which the municipality is primarily located.".
    Page 2, strike lines 31 through 32.
    Page 2, line 33, strike "(1) more than".
    Page 2, line 34, delete "five thousand (5,000) but less than eight".
    Page 2, line 35, delete "thousand (8,000);".
    Page 2, line 35, strike "or".
    Page 2, line 36, strike "(2) more than".
    Page 2, line 37, delete "nine thousand (9,000) but".
    Page 2, line 38, delete "less than twelve thousand five hundred (12,500)".
    Page 2, line 38, strike "in a county".
    Page 2, strike lines 39 through 40.
    Page 2, line 41, strike "(d)" and insert "**(c)**".
    Page 3, line 4, strike "(e)" and insert "**(d)**".

and when so amended that said bill do pass.

(Reference is to SB 193 as printed January 18, 2002.)

LYTLE, Chair

Committee Vote: yeas 11, nays 3.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 193 be amended to read as follows:

Page 3, after line 4, begin a new paragraph and insert:

"(f) Notwithstanding any other law, territory that is annexed under this section is not considered a part of the municipality for the purposes of annexing additional territory."

(Reference is to ESB 193 as printed February 22, 2002.)

MOCK

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HOUSE MOTION

Mr. Speaker: I move that Senate Bill 193 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to ESB 193 as printed February 22, 2002.)

WHETSTONE

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